

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

<u>LAURIE GILBERT,</u>	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 05-10746-RWZ
	)	
<u>JOHN HEGGARTY and TIMOTHY DUBE,</u>	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO  
COMPLETE FACT DISCOVERY**

Defendants John Heggarty and Timothy Dube, hereby move the Court for a modification of the tracking order allowing for the completion of fact discovery by March 3, 2006. The basis for this Motion is as follows:

1. The Court's scheduling order called for the completion of all fact discovery by December 30, 2005.
2. Due to attorneys' schedules, the Defendant did not anticipate being able to complete fact discovery after December 30, 2005.
3. Counsel for Defendants, called the office of the Plaintiff's counsel in December, but Plaintiff's counsel was not available to speak with Defendants' counsel.
4. Counsel for the Defendants spoke with Plaintiff's counsel's assistant, and informed her of the Defendants' intent to file this Motion.
5. Plaintiff's counsel's assistant informed Defendants' counsel that Plaintiff's counsel would likely agree to the extension, and would inform Plaintiff's counsel of the Defendants' request for an extension of the time in which to complete fact discovery.

6. Defendants' counsel was informed on January 10, 2006 that Plaintiff's counsel would not assent to the Defendants' request for an extension of time to complete fact discovery.
7. This Motion is made in good faith and not for the purpose of obstruction or delay.

WHEREFORE, Defendants, John Heggarty and Timothy Dube, respectfully request a modification of the tracking order for the completion of fact discovery to Friday, March 3, 2006.

Respectfully Submitted,  
For the Defendants,  
**JOHN HAGGERTY and TIMOTHY DUBE,**  
By their attorneys,




Matthew E. Dwyer  
BBO #139840  
Kathleen A. Pennini  
BBO # 654573  
Dwyer, Duddy and Facklam  
Attorneys at Law, P.C.  
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617-723-9777

Date: January 10, 2006

**CERTIFICATE OF SERVICE**

I, Kathleen A. Pennini, do hereby certify that a true copy of the foregoing document has been served via first class mail, postage prepaid, this 10<sup>th</sup> day of January 10, 2006, upon:

Richard N. Foley, Esquire  
414 State Street  
Portsmouth, NH 03801.

  
Kathleen A. Pennini